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Viewing cable 09MEXICO3114, MEXICO ARMS TRAFFICKING: ACCESS TO CONFISCATED

If you are new to these pages, please read an introduction on the [structure of a cable](#) as well as how to [discuss them](#) with others. See also the [FAQs](#)

Understanding cables

Every cable message consists of three parts:

- The top box shows each cables unique reference number, when and by whom it originally was sent, and what its initial classification was.
- The middle box contains the header information that is associated with the cable. It includes information about the receiver(s) as well as a general subject.
- The bottom box presents the body of the cable. The opening can contain a more specific subject, references to other cables ([browse by origin](#) to find them) or additional comment. This is followed by the main contents of the cable: a summary, a collection of specific topics and a comment section.

To understand the justification used for the classification of each cable, please use this [WikiSource](#) article as reference.

Discussing cables

If you find meaningful or important information in a cable, please link directly to its unique reference number. Linking to a specific paragraph in the body of a cable is also possible by copying the appropriate link (to be found at the paragraph symbol). Please mark messages for social networking services like Twitter with the hash tags **#cablegate** and a hash containing the reference ID e.g. **#09MEXICO3114**.

Reference ID	Created	Released	Classification	Origin
09MEXICO3114	2009-10-29 18:14	2011-08-30 01:44	CONFIDENTIAL	Embassy Mexico

Appears in these articles:

<http://wikileaks.jornada.com.mx/notas/bajo-la-mesa-washington-culpa-a-mexico-del-trafico-de-armas>

VZCZCXRO3850
RR RUEHCD RUEHGD RUEHHO RUEHMC RUEHNG RUEHNL RUEHRD RUEHRS RUEHTM
DE RUEHME #3114/01 3021814
ZNY CCCCC ZZH
R 291814Z OCT 09
FM AMEMBASSY MEXICO
TO RUEHC/SECSTATE WASHDC 8826
INFO RUEHXC/ALL US CONSULATES IN MEXICO COLLECTIVE
RHMFISS/DEPT OF JUSTICE WASHINGTON DC
RUEHC/DEPT OF LABOR WASHINGTON DC
RUEATRS/DEPT OF TREASURY WASHINGTON DC
RUCPDO/DEPT OF COMMERCE WASHINGTON DC
RHMFISS/CDR USSOUTHCOM MIAMI FL
RUEAHLA/DEPT OF HOMELAND SECURITY
RUEABND/DEA HQS WASHINGTON DC
RHEHAAA/NSC WASHINGTON DC

232113
2009-10-29 18:14:00
09MEXICO3114
Embassy Mexico
CONFIDENTIAL

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FM AMEMBASSY MEXICO
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RUEHC/DEPT OF LABOR WASHINGTON DC
RUEATRS/DEPT OF TREASURY WASHINGTON DC
RUCPDOG/DEPT OF COMMERCE WASHINGTON DC
RHMFISS/CDR USSOUTHCOM MIAMI FL
RUEAHLA/DEPT OF HOMELAND SECURITY
RUEABND/DEA HQS WASHINGTON DC
RHEHAAA/NSC WASHINGTON DC
TAGS: [PGOV](#) [PREL](#) [PINR](#) [KCRM](#) [SNAR](#) [MX](#)
C O N F I D E N T I A L SECTION 01 OF 02 MEXICO 003114

SIPDIS

E.O. 12958: DECL: 12/21/2017
TAGS: [PGOV](#) [PREL](#) [PINR](#) [KCRM](#) [SNAR](#) [MX](#)
SUBJECT: MEXICO ARMS TRAFFICKING: ACCESS TO CONFISCATED
WEAPONS, A NECESSARY STEP
Classified By: Classified by Political Minister Counselor Gustavo Delga
do: Reason: 1.4 (b),(d).

¶1. (SBU) Summary. Mexico is awash with illegal firearms from unknown suppliers that arm organized crime groups and fuel escalating violence. Investigation and prosecution of illegal arms dealers is thwarted by in-fighting among Mexican institutions and legal restrictions that prevent the sharing of important information. Successful prosecution of illegal arms traffickers will depend on U.S. law enforcement agencies gaining access to confiscated weapons to form actionable intelligence and launch investigations. End Summary

A Recipe for Problems: Too Many Cooks, Too Little Love

¶2. (C) Currently, government warehouses throughout Mexico have approximately 140,000 weapons either confiscated from crime scenes or gathered from check points. Some of these weapons -- in storage for over 10 years -- are suspected to have little investigative value. The warehouses are the responsibility of the Mexican Army (SEDENA), which maintains a piece-meal list of information on at least 64,000 weapons collected since the start of the Calderon administration in December 2006. SEDENA's decision to share this information with us in July of this year prompted ICE and ATF to review the data in an effort to open criminal investigations against individuals suspected of knowingly selling weapons to individuals linked to drug trafficking organizations (DTOs). DIA analysts initiated a separate effort to identify the origin of the weapons as well as trafficking patterns. Unfortunately, the information is incomplete and lacks source data, a reflection of the inconsistent and uneven collection methods employed by Mexican Federal Police (SSP), Mexican Attorney General (PGR), and SEDENA officials in their investigation of confiscated weapons. (Septel analyzes efforts to systematically collect and share weapons forensic information.)

¶3. (SBU) PGR assumes legal authority for confiscated weapons stored in warehouses that correspond to Mexican criminal investigations. Once the PGR completes its initial investigation, it turns over the actual weapon and all information it has gathered over to the Mexican judiciary, which retains jurisdiction over the weapon over the course of judicial proceedings. Upon termination of all investigative and judicial proceedings, SEDENA is assigned responsibility for disposition or destruction of the weapons -- a process that could take years.

¶4. (SBU) Besides the sheer magnitude of the weapons collected, the GOM's disjointed approach for managing the weapons it stores in its warehouses has fostered an ad-hoc system with many accountability gaps. On frequent occasions, GOM agencies -- with their conflicting priorities and competing responsibilities -- openly dispute who has the lead on key arms investigations. PGR holds tightly to its

authority as the prosecutorial, investigative, and forensic arm of the GOM; while the SSP retains its position as the lead federal law enforcement agency, an investigative role recently expanded in new legislation. Both agencies have the authority to conduct crime scene investigation and collect forensic evidence, yet information sharing across bureaucratic lines is virtually nonexistent. SSP generally agrees to share information on cases only when the case is transferred to the prosecutor (PGR).

¶5. (SBU) U.S. law enforcement agencies have a strong interest in obtaining information from weapon seizures as this information forms the basis of intelligence, follow-on domestic investigations, and potential prosecutions. A February 2009 Mexican Supreme Court ruling, however, restricts any access to weapons that are involved in court cases. The USG has had limited success obtaining access to warehouses and weapons, with the exception of some high-level visits, affording rare opportunities to get a look inside the warehouses. Even though the GOM provided information on 64,000 confiscated arms, the incomplete information needs to be verified and experts need access to the actual weapons to obtain additional evidence -- source data, obliteration data and pictures -- to provide the basis for investigations and subsequent U.S. judicial cases. SEDENA insists it is willing to grant U.S. law enforcement agencies access to confiscated

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weapons and blames PGR for any denials. In mid-August, SEDENA reviewed with us twelve instances in which its approval of our official requests for access were overturned by the PGR, based on the February 2009 Supreme Court case.

¶6. (SBU) Comment. Claims by Mexican and U.S. officials that upwards of 90 percent of illegal recovered weapons can be traced back to the U.S. is based on an incomplete survey of confiscated weapons. In point of fact, without wider access to the weapons seized in Mexico, we really have no way of verifying these numbers. Joint efforts to develop intelligence that can serve the impetus for investigations and prosecutions of individuals or companies that market firearms to the cartels, will require Mexican and USG law enforcement agencies to share essential crime scene forensic information on a real time basis. Post law enforcement agencies will continue to work closely with their Mexican counterparts to break down institutional divisions and facilitate more information sharing on arms trafficking cases both among the Mexican agencies and with U.S. partners. End Comment

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